

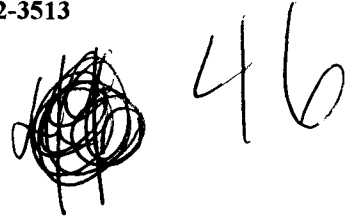
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UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513



Cancellation No. 24,108

Galleon, S.A., Bacardi-  
Martini U.S.A., and  
Bacardi & Company Limited

v.

Havana Club Holding, S.A.  
dba HCH, S.A.

On March 1, 2001, petitioners filed a communication with the Board, noting that "the United States Court of Appeals for the Second Circuit affirmed the judgment of the District Court" and "the Supreme Court of the United States denied Havana Club Holding's petition for writ of certiorari." Petitioners request cancellation of "Havana Club Holding's rights in Registration No. 1,031,651."<sup>1</sup>

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<sup>1</sup> Petitioners' communication does not comply with Trademark Rule 2.119(b); it does not show proof of service of petitioners' communication on respondent's attorney of record. Petitioners are allowed until **ten** days from the mailing date stamped on this order to serve a copy of petitioners' communication on respondent's counsel of record in this proceeding. Strict compliance with Trademark Rule 2.119(b) is required in all papers filed with the Board.

This is at least the second time the Board has advised petitioners of the requirements of Trademark Rule 2.119 in this proceeding. See the Board's order mailed on July 1, 1999. Petitioners' attorneys are advised to consult the Board's rules (and the trademark laws) before they file any further papers in this case.

Petitioners' request is not in accordance with 15 U.S.C. §1119, which states that "[d]ecrees and orders [regarding cancellation of registrations] shall be certified by the court to the Director, who shall make appropriate entry upon the records of the Patent and Trademark Office ...." Petitioners' request should have been filed with the Director, not with the Board.

Thus, proceedings herein remain suspended, this time pending petitioners' filing of a certified copy of the courts' decrees regarding cancellation of the involved mark with the Director in accordance with 15 U.S.C. §1119, and cancellation of the involved mark.



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Trial and Appeal Board  
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